



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Burton et al.  
Serial No. : 10/079,802  
Filed : February 19, 2002  
Title : LIGAND CAPTURE-DIRECTED SELECTION OF ANTIBODY

Art Unit : 1648  
Examiner : Donna Wortman

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

FEB 21 2004

TECHNOLOGY CENTER R3700

DECLARATION OF DENNIS BURTON UNDER 37 C.F.R. §1.132

Dear Sir:

- 1) I, Dennis Burton Ph.D., am one of the named inventors of the invention claimed in the above-identified application. The invention described and claimed in the subject application was conceived by myself, Roberto Burioni, Anthony Williamson and Pietro Sanna, and reduced to practice under our direction and supervision.
- 2) I am a co-author with Roberto Burioni, Anthony Williamson, Pietro Sanna and F.E. Bloom, in a publication entitled "Recombinant human Fab to glycoprotein D neutralizes infectivity and prevents cell-to-cell transmission of herpes simplex virus type-1 and -2 in vitro," in *Proc. Natl. Acad. Sci. USA*, 91:355, 1994, hereinafter "Burioni et al."
- 3) I have reviewed the above-identified application, the claims presently pending in the application, and the Office Action mailed August 15, 2003.
- 4) I understand that claims 16, 17, 18, 21 and 24 have been rejected under 35 U.S.C. §102(a) as allegedly anticipated by Burioni et al. As noted above, I am a co-author of this cited reference.
- 5) F.E. Bloom is a co-author of the cited Burioni et al. reference, but is not an inventor of the invention claimed in the above-identified application. Specifically, F.E. Bloom did not contribute to the mental conception of the present invention.

Page 2

8) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.



Dennis Burton, M.D.

1-30-04

Date

THE SCRIPPS RESEARCH INSTITUTE  
10550 North Torrey Pines Road  
Mail Drop TPC-8  
La Jolla, California 92037  
Telephone: (858) 784-2937  
Facsimile: (858) 784-9399

P:\NancyB\WP\2004\PTO\SCR2364P\BURTON.DECL.doc